

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

DAYSEAN JENKINS,

Plaintiff,

v.

DAVID SIMAS, et. al.,

Defendants.

Case No. 3:23-cv-00049-ART-CLB

**ORDER DENYING MOTION TO REMOVE  
COUNSEL**

**[ECF No. 49]**

Before the Court is Defendant John Halki's ("Halki") motion to remove Frank A. Toddre and Josh C. Aiklen as counsel of record. (ECF No. 49.) Per Local Rule IA 11-6:

(b) If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel. The affected client may, but is not required to, file a response to the attorney's motion within 14 days of the filing of the motion, unless the court orders otherwise.

(c) A stipulation to substitute attorneys must be signed by the newly-appearing attorneys, the withdrawing attorneys, and the represented client and be approved by the court. Except where accompanied by a request for relief under subsection (e) of this rule, the attorney's signature on a stipulation to substitute the attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, trial, or hearings, by the discovery plan or any court order.

The Court recognizes Victoria Corey's appearance as counsel of Halki. However, the motion to remove Mr. Toddre and Mr. Aiklen is improper. Halki attempts to remove Mr. Toddre and Mr. Aiklen without either a stipulation signed by the newly appearing attorneys, the withdrawing attorneys, and the represented counsel as required by LR IA 11-6(c) or a motion filed by Mr. Toddre and Mr. Aiklen to withdraw as counsel per LR IA 11-6(b). Accordingly, Halki's motion to remove counsel, (ECF No. 49), is **DENIED with leave to refile** in accordance with Local Rule IA 11-6.

**IT IS SO ORDERED.**

**DATED:** May 14, 2025.

  
**UNITED STATES MAGISTRATE JUDGE**